

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM)
MOTORS, INC., and MATTINGLY AUTO)
SALES, INC., individually and on behalf of)
other members of the general public similarly)
situated,)

Plaintiffs,)

v.)

NEXTGEAR CAPITAL, INC. f/k/a DEALER)
SERVICES CORPORATION,)

Defendant.)

Case No. 1:14-cv-01589-TWP-DLP

DEFENDANT'S RESPONSE AND JOINDER IN
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Plaintiffs filed a Motion for Final Approval of Class Action Settlement on August 27, 2021 (Doc. 384), in which Plaintiffs asked the Court for final approval of the Settlement Agreement and Release previously submitted to the Court (Doc. 373-9) (the "Settlement Agreement"). Defendant NextGear Capital, Inc. ("NextGear") files this joinder in the Motion for Final Approval and states as follows:

1. NextGear joins in Plaintiffs' request for final approval of the Settlement Agreement.
2. NextGear does not oppose Class Counsel's application for attorneys' fees, costs, and expenses. NextGear also does not oppose the proposed incentive awards to the class representatives.
3. NextGear denies any and all liability and wrongdoing in this lawsuit and does not agree with or endorse the substantive legal positions taken, factual assertions made about

NextGear's interest charges or relationship with its customers, and arguments made in Plaintiffs' supporting papers, brief, and declarations. Subject to the terms of the Settlement Agreement, in the event that the parties' settlement is for any reason not consummated and/or the Settlement Agreement is not approved in full by the Court, NextGear reserves its rights and defenses as they existed before the Settlement Agreement was executed.

Respectfully submitted, this 1st day of September, 2021.

s/ Tracey K. Ledbetter

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Court's electronic service notification system, this 1st day of September, 2021:

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